

103^D CONGRESS
2^D SESSION

H. RES. 533

To provide for the concurrence of the House to the amendment of the Senate to the bill (H.R. 783) with an amendment.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20 1994

Mr. MAZZOLI submitted the following resolution; which was considered under suspension of the rules and passed

RESOLUTION

To provide for the concurrence of the House to the amendment of the Senate to the bill (H.R. 783) with an amendment.

1 *Resolved*, That upon the adoption of this resolution
2 the bill (H.R. 783) to amend title III of the Immigration
3 and Nationality Act to make changes in the laws relating
4 to nationality and naturalization, with a Senate amend-
5 ment thereto, be and are hereby taken from the Speaker's
6 table to the end that the Senate amendment be and is
7 hereby agreed to with the following amendment:

8 In lieu of the matter proposed to be inserted by the
9 amendment of the Senate to the text of the bill H.R. 783,
10 insert the following:

1 **“SECTION 1. SHORT TITLE.**

2 “‘This Act may be cited as the ‘Immigration and Na-
3 tionality Technical Corrections Act of 1994’.

4 **“SEC. 2. TABLE OF CONTENTS.**

5 “‘The table of contents of this Act is as follows:

“Sec. 1. Short title.

“Sec. 2. Table of contents.

“TITLE I—NATIONALITY AND NATURALIZATION

“Sec. 101. Equal treatment of women in conferring citizenship to children born abroad.

“Sec. 102. Naturalization of children on application of citizen parent.

“Sec. 103. Former citizens of United States regaining United States citizenship.

“Sec. 104. Intent to reside permanently in the United States after naturalization.

“Sec. 105. Terminology relating to expatriation.

“Sec. 106. Administrative and judicial determinations relating to loss of citizenship.

“Sec. 107. Cancellation of United States passports and consular reports of birth.

“Sec. 108. Expanding waiver of the Government knowledge, United States history, and English language requirements for naturalization.

“Sec. 109. Report on citizenship of certain legalized aliens.

“TITLE II—TECHNICAL CORRECTIONS OF IMMIGRATION LAWS

“Sec. 201. American Institute in Taiwan.

“Sec. 202. G-4 special immigrants.

“Sec. 203. Clarification of certain grounds for exclusion and deportation.

“Sec. 204. United States citizens entering and departing on United States passports.

“Sec. 205. Applications for visas.

“Sec. 206. Family unity.

“Sec. 207. Technical amendment regarding one-house veto.

“Sec. 208. Authorization of appropriations for refugee assistance for fiscal years 1995, 1996, and 1997.

“Sec. 209. Fines for unlawful bringing of aliens into the United States.

“Sec. 210. Extension of visa waiver pilot program.

“Sec. 211. Creation of probationary status for participant countries in the visa waiver pilot program.

“Sec. 212. Technical changes to numerical limitations concerning certain special immigrants.

“Sec. 213. Extension of telephone employment verification system.

“Sec. 214. Extension of expanded definition of special immigrant for religious workers.

“Sec. 215. Extension of off-campus work authorization for students.

“Sec. 216. Eliminating obligation of carriers to detain stowaways.

“Sec. 217. Completing use of visas provided under diversity transition program.

“Sec. 218. Effect on preference date of application for labor certification.

“Sec. 219. Other miscellaneous and technical corrections to immigration-related provisions.

1 **“TITLE I—NATIONALITY AND** 2 **NATURALIZATION**

3 **“SEC. 101. EQUAL TREATMENT OF WOMEN IN CONFERRING** 4 **CITIZENSHIP TO CHILDREN BORN ABROAD.**

5 “(a) IN GENERAL.—Section 301 of the Immigration
6 and Nationality Act (8 U.S.C. 1401) is amended—

7 “(1) by striking the period at the end of para-
8 graph (g) and inserting ‘; and’, and

9 “(2) by adding at the end the following new
10 paragraph:

11 “‘(h) a person born before noon (Eastern
12 Standard Time) May 24, 1934, outside the limits
13 and jurisdiction of the United States of an alien fa-
14 ther and a mother who is a citizen of the United
15 States who, prior to the birth of such person, had
16 resided in the United States.’.

17 “(b) WAIVER OF RETENTION REQUIREMENTS.—Any
18 provision of law (including section 301(b) of the Immigra-
19 tion and Nationality Act (as in effect before October 10,
20 1978), and the provisos of section 201(g) of the National-
21 ity Act of 1940) that provided for a person’s loss of citi-
22 zenship or nationality if the person failed to come to, or
23 reside or be physically present in, the United States shall
24 not apply in the case of a person claiming United States

1 citizenship based on such person's descent from an indi-
2 vidual described in section 301(h) of the Immigration and
3 Nationality Act (as added by subsection (a)).

4 “(c) RETROACTIVE APPLICATION.—(1) Except as
5 provided in paragraph (2), the immigration and national-
6 ity laws of the United States shall be applied (to persons
7 born before, on, or after the date of the enactment of this
8 Act) as though the amendment made by subsection (a),
9 and subsection (b), had been in effect as of the date of
10 their birth, except that the retroactive application of the
11 amendment and that subsection shall not affect the valid-
12 ity of citizenship of anyone who has obtained citizenship
13 under section 1993 of the Revised Statutes (as in effect
14 before the enactment of the Act of May 24, 1934 (48 Stat.
15 797)).

16 “(2) The retroactive application of the amendment
17 made by subsection (a), and subsection (b), shall not con-
18 fer citizenship on, or affect the validity of any
19 denaturalization, deportation, or exclusion action against,
20 any person who is or was excludable from the United
21 States under section 212(a)(3)(E) of the Immigration and
22 Nationality Act (8 U.S.C. 1182(a)(3)(E)) (or predecessor
23 provision) or who was excluded from, or who would not
24 have been eligible for admission to, the United States

1 under the Displaced Persons Act of 1948 or under section
2 14 of the Refugee Relief Act of 1953.

3 “(d) APPLICATION TO TRANSMISSION OF CITIZEN-
4 SHIP.—This section, the amendments made by this sec-
5 tion, and any retroactive application of such amendments
6 shall not affect any residency or other retention require-
7 ments for citizenship as in effect before October 10, 1978,
8 with respect to the transmission of citizenship.

9 **“SEC. 102. NATURALIZATION OF CHILDREN ON APPLICA-**
10 **TION OF CITIZEN PARENT.**

11 “(a) IN GENERAL.—Section 322 of the Immigration
12 and Nationality Act (8 U.S.C. 1433) is amended to read
13 as follows:

14 “‘CHILD BORN OUTSIDE THE UNITED STATES; APPLICA-
15 TION FOR CERTIFICATE OF CITIZENSHIP REQUIRE-
16 MENTS

17 “‘SEC. 322. (a) A parent who is a citizen of the Unit-
18 ed States may apply to the Attorney General for a certifi-
19 cate of citizenship on behalf of a child born outside the
20 United States. The Attorney General shall issue such a
21 certificate of citizenship upon proof to the satisfaction of
22 the Attorney General that the following conditions have
23 been fulfilled:

24 “‘(1) At least one parent is a citizen of the
25 United States, whether by birth or naturalization.

1 “(2) The child is physically present in the
2 United States pursuant to a lawful admission.

3 “(3) The child is under the age of 18 years
4 and in the legal custody of the citizen parent.

5 “(4) If the citizen parent is an adoptive parent
6 of the child, the child was adopted by the citizen
7 parent before the child reached the age of 16 years
8 and the child meets the requirements for being a
9 child under subparagraph (E) or (F) of section
10 101(b)(1).

11 “(5) If the citizen parent has not been phys-
12 ically present in the United States or its outlying
13 possessions for a period or periods totaling not less
14 than five years, at least two of which were after at-
15 taining the age of fourteen years—

16 “(A) the child is residing permanently in
17 the United States with the citizen parent, pur-
18 suant to a lawful admission for permanent resi-
19 dence, or

20 “(B) a citizen parent of the citizen parent
21 has been physically present in the United States
22 or its outlying possessions for a period or peri-
23 ods totaling not less than five years, at least
24 two of which were after attaining the age of
25 fourteen years.

1 “(b) Upon approval of the application (which may
2 be filed abroad) and, except as provided in the last sen-
3 tence of section 337(a), upon taking and subscribing be-
4 fore an officer of the Service within the United States to
5 the oath of allegiance required by this Act of an applicant
6 for naturalization, the child shall become a citizen of the
7 United States and shall be furnished by the Attorney Gen-
8 eral with a certificate of citizenship.

9 “(c) Subsection (a) of this section shall apply to the
10 adopted child of a United States citizen adoptive parent
11 if the conditions specified in such subsection have been
12 fulfilled.’.

13 “(b) CONFORMING AMENDMENT.—Subsection (c) of
14 section 341 of such Act (8 U.S.C. 1452) is repealed.

15 “(c) CLERICAL AMENDMENT.—The item in the table
16 of contents of such Act relating to section 322 is amended
17 to read as follows:

 “‘Sec. 322. Child born outside the United States; application for certificate of
 citizenship requirements.’.

18 “(d) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect on the first day of the first
20 month beginning more than 120 days after the date of
21 the enactment of this Act.

1 **“SEC. 103. FORMER CITIZENS OF UNITED STATES REGAIN-**
2 **ING UNITED STATES CITIZENSHIP.**

3 “(a) IN GENERAL.—Section 324 of the Immigration
4 and Nationality Act (8 U.S.C. 1435) is amended by add-
5 ing at the end the following new subsection:

6 ““(d)(1) A person who was a citizen of the United
7 States at birth and lost such citizenship for failure to meet
8 the physical presence retention requirements under section
9 301(b) (as in effect before October 10, 1978), shall, from
10 and after taking the oath of allegiance required by section
11 337 be a citizen of the United States and have the status
12 of a citizen of the United States by birth, without filing
13 an application for naturalization, and notwithstanding any
14 of the other provisions of this title except the provisions
15 of section 313. Nothing in this subsection or any other
16 provision of law shall be construed as conferring United
17 States citizenship retroactively upon such person during
18 any period in which such person was not a citizen.

19 ““(2) The provisions of paragraphs (2) and (3) of
20 subsection (c) shall apply to a person regaining citizenship
21 under paragraph (1) in the same manner as they apply
22 under subsection (c)(1).’.

23 “(b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall take effect on the first day of the first
25 month beginning more than 120 days after the date of
26 the enactment of this Act.

1 **“SEC. 104. INTENT TO RESIDE PERMANENTLY IN THE UNIT-**
2 **ED STATES AFTER NATURALIZATION.**

3 “(a) IN GENERAL.—Section 338 of the Immigration
4 and Nationality Act (8 U.S.C. 1449) is amended by strik-
5 ing ‘intends to reside permanently in the United States,
6 except in cases falling within the provisions of section
7 324(a) of this title,’.

8 “(b) CONFORMING REPEAL.—Section 340(d) of such
9 Act (8 U.S.C. 1451(d)) is repealed.

10 “(c) CONFORMING REDESIGNATION.—Section 340 of
11 such Act (8 U.S.C. 1451) is amended—

12 “(1) by redesignating subsections (e), (f), (g),
13 (h), and (i) as subsections (d), (e), (f), (g), and (h),
14 respectively; and

15 “(2) in subsection (d) (as redesignated), by
16 striking ‘subsections (c) or (d)’ and inserting ‘sub-
17 section (c)’.

18 “(d) CONFORMING AMENDMENT.—Section 405 of the
19 Immigration Act of 1990 is amended by striking sub-
20 section (b).

21 “(e) EFFECTIVE DATE.—The amendment made by
22 subsection (a) shall apply to persons admitted to citizen-
23 ship on or after the date of enactment of this Act.

24 **“SEC. 105. TERMINOLOGY RELATING TO EXPATRIATION.**

25 “(a) IN GENERAL.—Section 351 of the Immigration
26 and Nationality Act (8 U.S.C. 1483) is amended—

1 “(1) in the heading, by striking ‘EXPATRIATION’
2 and inserting ‘LOSS OF NATIONALITY’;

3 “(2) in subsection (a)—

4 “(A) by striking ‘expatriate himself, or be
5 expatriated’ and inserting ‘lose United States
6 nationality’, and

7 “(B) by striking ‘expatriation’ and insert-
8 ing ‘loss of nationality’; and

9 “(3) in subsection (b), by striking ‘expatriated
10 himself’ and inserting ‘lost United States national-
11 ity’.

12 “(b) CLERICAL AMENDMENT.—The item in the table
13 of contents of such Act relating to section 351 is amended
14 to read as follows:

“‘Sec. 351. Restrictions on loss of nationality.’.

15 **“SEC. 106. ADMINISTRATIVE AND JUDICIAL DETERMINA-**
16 **TIONS RELATING TO LOSS OF CITIZENSHIP.**

17 “Section 358 of the Immigration and Nationality Act
18 (8 U.S.C. 1501) is amended by adding at the end the fol-
19 lowing new sentence: ‘Approval by the Secretary of State
20 of a certificate under this section shall constitute a final
21 administrative determination of loss of United States na-
22 tionality under this Act, subject to such procedures for
23 administrative appeal as the Secretary may prescribe by
24 regulation, and also shall constitute a denial of a right

1 or privilege of United States nationality for purposes of
2 section 360.’.

3 **“SEC. 107. CANCELLATION OF UNITED STATES PASSPORTS**
4 **AND CONSULAR REPORTS OF BIRTH.**

5 “(a) IN GENERAL.—Title III of the Immigration and
6 Nationality Act is amended by adding at the end the fol-
7 lowing new section:

8 “‘CANCELLATION OF UNITED STATES PASSPORTS AND
9 CONSULAR REPORTS OF BIRTH

10 “‘SEC. 361. (a) The Secretary of State is authorized
11 to cancel any United States passport or Consular Report
12 of Birth, or certified copy thereof, if it appears that such
13 document was illegally, fraudulently, or erroneously ob-
14 tained from, or was created through illegality or fraud
15 practiced upon, the Secretary. The person for or to whom
16 such document has been issued or made shall be given,
17 at such person’s last known address, written notice of the
18 cancellation of such document, together with the proce-
19 dures for seeking a prompt post-cancellation hearing. The
20 cancellation under this section of any document purport-
21 ing to show the citizenship status of the person to whom
22 it was issued shall affect only the document and not the
23 citizenship status of the person in whose name the docu-
24 ment was issued.

25 “‘(b) For purposes of this section, the term “Con-
26 sular Report of Birth” refers to the report, designated as

1 a “Report of Birth Abroad of a Citizen of the United
2 States”, issued by a consular officer to document a citizen
3 born abroad.’.

4 “(b) CLERICAL AMENDMENT.—The table of contents
5 is amended by inserting after the item relating to section
6 360 the following new item:

“‘Sec. 361. Cancellation of United States passports and Consular Reports of
Birth.’.

7 **“SEC. 108. EXPANDING WAIVER OF THE GOVERNMENT**
8 **KNOWLEDGE, UNITED STATES HISTORY, AND**
9 **ENGLISH LANGUAGE REQUIREMENTS FOR**
10 **NATURALIZATION.**

11 “(a) IN GENERAL.—Section 312 of the Immigration
12 and Nationality Act (8 U.S.C. 1423) is amended—

13 “(1) by inserting ‘(a)’ after ‘312.’,

14 “(2) by striking ‘this requirement’ and all that
15 follows through ‘That’,

16 “(3) by striking ‘this section’ and inserting ‘this
17 paragraph’, and

18 “(4) by adding at the end the following new
19 subsection:

20 “‘(b)(1) The requirements of subsection (a) shall not
21 apply to any person who is unable because of physical or
22 developmental disability or mental impairment to comply
23 therewith.

1 “(2) The requirement of subsection (a)(1) shall not
2 apply to any person who, on the date of the filing of the
3 person’s application for naturalization as provided in sec-
4 tion 334, either—

5 “(A) is over fifty years of age and has been
6 living in the United States for periods totalling at
7 least twenty years subsequent to a lawful admission
8 for permanent residence, or

9 “(B) is over fifty-five years of age and has
10 been living in the United States for periods totaling
11 at least fifteen years subsequent to a lawful admis-
12 sion for permanent residence.

13 “(3) The Attorney General, pursuant to regulations,
14 shall provide for special consideration, as determined by
15 the Attorney General, concerning the requirement of sub-
16 section (a)(2) with respect to any person who, on the date
17 of the filing of the person’s application for naturalization
18 as provided in section 334, is over sixty-five years of age
19 and has been living in the United States for periods total-
20 ing at least twenty years subsequent to a lawful admission
21 for permanent residence.’.

22 “(b) CONFORMING AMENDMENTS.—Section
23 245A(b)(1)(D) of such Act (8 U.S.C. 1254a(b)(1)(D)) is
24 amended by striking ‘312’ each place it appears and in-
25 serting ‘312(a)’.

1 “(c) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall take effect on the date of the enact-
3 ment of this Act and shall apply to applications for natu-
4 ralization filed on or after such date and to such applica-
5 tions pending on such date.

6 “(d) REGULATIONS.—Not later than 120 days after
7 the date of enactment of this Act, the Attorney General
8 shall promulgate regulations to carry out section
9 312(b)(3) of the Immigration and Nationality Act (as
10 amended by subsection (a)).

11 **“SEC. 109. REPORT ON CITIZENSHIP OF CERTAIN LEGAL-**
12 **IZED ALIENS.**

13 “Not later than June 30, 1996, the Commissioner of
14 the Immigration and Naturalization Service shall prepare
15 and submit to the Congress a report concerning the citi-
16 zenship status of aliens legalized under section 245A and
17 section 210 of the Immigration and Nationality Act. Such
18 report shall include the following information by district
19 office for each national origin group:

20 “(1) The number of applications for citizenship
21 filed.

22 “(2) The number of applications approved.

23 “(3) The number of applications denied.

24 “(4) The number of applications pending.

1 **“TITLE II—TECHNICAL CORREC-**
2 **TIONS OF IMMIGRATION**
3 **LAWS**

4 **“SEC. 201. AMERICAN INSTITUTE IN TAIWAN.**

5 “Section 101(a)(27)(D) of the Immigration and Na-
6 tionality Act (8 U.S.C. 1101(a)(27)(D)) is amended—

7 “(1) by inserting ‘or of the American Institute
8 in Taiwan,’ after ‘of the United States Government
9 abroad,’; and

10 “(2) by inserting ‘(or, in the case of the Amer-
11 ican Institute in Taiwan, the Director thereof)’ after
12 ‘Foreign Service establishment’.

13 **“SEC. 202. G-4 SPECIAL IMMIGRANTS.**

14 “Section 101(a)(27)(I)(iii) of the Immigration and
15 Nationality Act (8 U.S.C. 1101(a)(27)(I)(iii)) is amended
16 by striking ‘(II)’ and all that follows through ‘; or’ and
17 inserting the following: ‘(II) files a petition for status
18 under this subparagraph no later than six months after
19 the date of such retirement or six months after the date
20 of enactment of the Immigration and Nationality Tech-
21 nical Corrections Act of 1994, whichever is later; or’.

1 **“SEC. 203. CLARIFICATION OF CERTAIN GROUNDS FOR EX-**
2 **CLUSION AND DEPORTATION.**

3 “(a) EXCLUSION GROUNDS.—Section 212 of the Im-
4 migration and Nationality Act (8 U.S.C. 1182) is amend-
5 ed—

6 “(1) in subsection (a)(2)(A)(i)(I), by inserting
7 ‘or an attempt or conspiracy to commit such a
8 crime’ after ‘offense’,

9 “(2) in subsection (a)(2)(A)(i)(II), by inserting
10 ‘or attempt’ after ‘conspiracy’, and

11 “(3) in the last sentence of subsection (h), by
12 inserting ‘, or an attempt or conspiracy to commit
13 murder or a criminal act involving torture’ after
14 ‘torture’.

15 “(b) DEPORTATION GROUNDS.—Section 241(a) of
16 such Act (8 U.S.C. 1251(a)) is amended—

17 “(1) in paragraph (2)(C)—

18 “(A) by striking ‘in violation of any law,’
19 and inserting ‘, or of attempting or conspiring
20 to purchase, sell, offer for sale, exchange, use,
21 own, possess, or carry,’ and

22 “(B) by inserting ‘in violation of any law’
23 after ‘Code)’; and

24 “(2) in paragraph (3)(B), by inserting ‘an at-
25 tempt or’ before ‘a conspiracy’ each place it appears
26 in clauses (ii) and (iii).

1 “(c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to convictions occurring before, on,
3 or after the date of the enactment of this Act.

4 **“SEC. 204. UNITED STATES CITIZENS ENTERING AND DE-**
5 **PARTING ON UNITED STATES PASSPORTS.**

6 “(a) IN GENERAL.—Section 215(b) of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1185(b)) is amended
8 by inserting ‘United States’ after ‘valid’.

9 “(b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall apply to departures and entries (and
11 attempts thereof) occurring on or after the date of enact-
12 ment of this Act.

13 **“SEC. 205. APPLICATIONS FOR VISAS.**

14 “(a) IN GENERAL.—The second sentence of section
15 222(a) of the Immigration and Nationality Act (8 U.S.C.
16 1202(a)) is amended—

17 “(1) by striking ‘the immigrant’ and inserting
18 ‘the alien’, and

19 “(2) by striking ‘present address’ and all that
20 follows through ‘exempt from exclusion under the
21 immigration laws;’.

22 “(b) EFFECTIVE DATE.—The amendments made by
23 subsection (a) shall apply to applications made on or after
24 the date of the enactment of this Act.

1 **“SEC. 206. FAMILY UNITY.**

2 “(a) IN GENERAL.—Section 301(a) of the Immigra-
3 tion Act of 1990 is amended by inserting after ‘May 5,
4 1988’ the following: ‘(in the case of a relationship to a
5 legalized alien described in subsection (b)(2)(B) or
6 (b)(2)(C)) or as of December 1, 1988 (in the case of a
7 relationship to a legalized alien described in subsection
8 (b)(2)(A))’.

9 “(b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall be deemed to have become effective
11 as of October 1, 1991.

12 **“SEC. 207. TECHNICAL AMENDMENT REGARDING ONE-**
13 **HOUSE VETO.**

14 “Section 13(c) of the Act of September 11, 1957 (8
15 U.S.C. 1255b(c)) is amended—

16 “(1) by striking the third sentence; and

17 “(2) in the fourth sentence, by striking ‘If nei-
18 ther the Senate nor the House of Representatives
19 passes such a resolution within the time above speci-
20 fied the’ and inserting ‘The’.

21 **“SEC. 208. AUTHORIZATION OF APPROPRIATIONS FOR REF-**
22 **UGEE ASSISTANCE FOR FISCAL YEARS 1995,**
23 **1996, AND 1997.**

24 “Section 414(a) of the Immigration and Nationality
25 Act (8 U.S.C. 1524(a)) is amended by striking ‘fiscal year

1 1993 and fiscal year 1994’ and inserting ‘fiscal year 1995,
2 fiscal year 1996, and fiscal year 1997’.

3 **“SEC. 209. FINES FOR UNLAWFUL BRINGING OF ALIENS**
4 **INTO THE UNITED STATES.**

5 “(a) IN GENERAL.—Section 273 of the Immigration
6 and Nationality Act (8 U.S.C. 1323) is amended—

7 “(1) in subsections (b) and (d) by striking ‘the
8 sum of \$3000’ and inserting ‘a fine of \$3000’ each
9 place it appears;

10 “(2) in the first sentence of subsection (b) by
11 striking ‘a sum equal’ and inserting ‘an amount
12 equal’;

13 “(3) in the second sentence of subsection (d) by
14 striking ‘a sum sufficient to cover such fine’ and in-
15 serting ‘an amount sufficient to cover such fine’;

16 “(4) by striking ‘sum’ and ‘sums’ each place ei-
17 ther appears and inserting ‘fine’;

18 “(5) in subsection (c) by striking ‘Such’ and in-
19 serting ‘Except as provided in subsection (e), such’;
20 and

21 “(6) by adding at the end the following new
22 subsection:

23 ““(e) A fine under this section may be reduced, re-
24 funded, or waived under such regulations as the Attorney
25 General shall prescribe in cases in which—

1 “(1) the carrier demonstrates that it had
 2 screened all passengers on the vessel or aircraft in
 3 accordance with procedures prescribes by the Attor-
 4 ney General, or

5 “(2) circumstances exist that the Attorney
 6 General determines would justify such reduction, re-
 7 fund, or waiver.’.

8 “(b) EFFECTIVE DATE.—The amendments made by
 9 this subsection shall apply with respect to aliens brought
 10 to the United States more than 60 days after the date
 11 of enactment of this Act.

12 **“SEC. 210. EXTENSION OF VISA WAIVER PILOT PROGRAM.**

13 “Section 217(f) of the Immigration and Nationality
 14 Act (8 U.S.C. 1187(f)) is amended by striking ‘ending’
 15 and all that follows through the period and inserting ‘end-
 16 ing on September 30, 1996’.

17 **“SEC. 211. CREATION OF PROBATIONARY STATUS FOR PAR-**
 18 **TICIPANT COUNTRIES IN THE VISA WAIVER**
 19 **PROGRAM.**

20 “Section 217 of the Immigration and Nationality Act
 21 (8 U.S.C. 1187) is amended—

22 “(1) in subsection (a)(2)(B) by inserting before
 23 the period ‘or is designated as a pilot program coun-
 24 try with probationary status under subsection (g)’;

1 “(2) by adding at the end the following new
2 subsection:

3 “(g) PILOT PROGRAM COUNTRY WITH PROBATION-
4 ARY STATUS.—

5 “(1) IN GENERAL.—The Attorney General and
6 the Secretary of State acting jointly may designate
7 any country as a pilot program country with proba-
8 tionary status if it meets the requirements of para-
9 graph (2).

10 “(2) QUALIFICATIONS.—A country may not be
11 designated as a pilot program country with proba-
12 tionary status unless the following requirements are
13 met:

14 “(A) NONIMMIGRANT VISA REFUSAL RATE
15 FOR PREVIOUS 2-YEAR PERIOD.—The average
16 number of refusals of nonimmigrant visitor
17 visas for nationals of the country during the
18 two previous full fiscal years was less than 3.5
19 percent of the total number of nonimmigrant
20 visitor visas for nationals of that country which
21 were granted or refused during those years.

22 “(B) NONIMMIGRANT VISA REFUSAL
23 RATE FOR PREVIOUS YEAR.—The number of re-
24 fusals of nonimmigrant visitor visas for nation-
25 als of the country during the previous full fiscal

1 year was less than 3 percent of the total num-
2 ber of nonimmigrant visitor visas for nationals
3 of that country which were granted or refused
4 during that year.

5 ““(C) LOW EXCLUSIONS AND VIOLATIONS
6 RATE FOR PREVIOUS YEAR.—The sum of—

7 ““(i) the total number of nationals of
8 that country who were excluded from ad-
9 mission or withdrew their application for
10 admission during the preceding fiscal year
11 as a nonimmigrant visitor, and

12 ““(ii) the total number of nationals of
13 that country who were admitted as non-
14 immigrant visitors during the preceding
15 fiscal year and who violated the terms of
16 such admission,

17 was less than 1.5 percent of the total number
18 of nationals of that country who applied for ad-
19 mission as nonimmigrant visitors during the
20 preceding fiscal year.

21 ““(D) MACHINE READABLE PASSPORT
22 PROGRAM.—The government of the country cer-
23 tifies that it has or is in the process of develop-
24 ing a program to issue machine-readable pass-
25 ports to its citizens.

1 “(3) CONTINUING AND SUBSEQUENT QUALI-
2 FICATIONS FOR PILOT PROGRAM COUNTRIES WITH
3 PROBATIONARY STATUS.—The designation of a
4 country as a pilot program country with probation-
5 ary status shall terminate if either of the following
6 occurs:

7 “(A) The sum of—

8 “(i) the total number of nationals of
9 that country who were excluded from ad-
10 mission or withdrew their application for
11 admission during the preceding fiscal year
12 as a nonimmigrant visitor, and

13 “(ii) the total number of nationals of
14 that country who were admitted as visitors
15 during the preceding fiscal year and who
16 violated the terms of such admission,
17 is more than 2.0 percent of the total number of
18 nationals of that country who applied for ad-
19 mission as nonimmigrant visitors during the
20 preceding fiscal year.

21 “(B) The country is not designated as a
22 pilot program country under subsection (c)
23 within 3 fiscal years of its designation as a pilot
24 program country with probationary status
25 under this subsection.

1 “(4) DESIGNATION OF PILOT PROGRAM COUN-
2 TRIES WITH PROBATIONARY STATUS AS PILOT PRO-
3 GRAM COUNTRIES.—In the case of a country which
4 was a pilot program country with probationary sta-
5 tus in the preceding fiscal year, a country may be
6 designated by the Attorney General and the Sec-
7 retary of State, acting jointly, as a pilot program
8 country under subsection (c) if—

9 “(A) the total of the number of nationals
10 of that country who were excluded from admis-
11 sion or withdrew their application for admission
12 during the preceding fiscal year as a non-
13 immigrant visitor, and

14 “(B) the total number of nationals of that
15 country who were admitted as nonimmigrant
16 visitors during the preceding fiscal year and
17 who violated the terms of such admission,
18 was less than 2 percent of the total number of na-
19 tionals of that country who applied for admission as
20 nonimmigrant visitors during such preceding fiscal
21 year.’; and

22 “(3) in subsection (c)(2) by striking ‘A country’
23 and inserting ‘Except as provided in subsection
24 (g)(4), a country’.

1 **“SEC. 212. TECHNICAL CHANGES TO NUMERICAL LIMITA-**
2 **TIONS CONCERNING CERTAIN SPECIAL IMMI-**
3 **GRANTS.**

4 “(a) PANAMA CANAL SPECIAL IMMIGRANTS.—Sec-
5 tion 3201 of the Panama Canal Act of 1979 (Public Law
6 96–70) is amended by striking subsection (c).

7 “(b) ARMED FORCES SPECIAL IMMIGRANTS.—Sec-
8 tion 203(b)(6) of the Immigration and Nationality Act (8
9 U.S.C. 1153(b)(6)) is amended by striking subparagraph
10 (C).

11 **“SEC. 213. EXTENSION OF TELEPHONE EMPLOYMENT VER-**
12 **IFICATION SYSTEM.**

13 “Section 274A(d)(4)(A) of the Immigration and Na-
14 tionality Act (8 U.S.C. 1324a(d)(4)(A)) is amended in the
15 second sentence by striking ‘three’ and inserting ‘five’.

16 **“SEC. 214. EXTENSION OF EXPANDED DEFINITION OF SPE-**
17 **CIAL IMMIGRANT FOR RELIGIOUS WORKERS.**

18 “Section 101(a)(27)(C)(ii) of the Immigration and
19 Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amend-
20 ed—

21 “(1) in subclause (II) by striking ‘1994,’ and
22 inserting ‘1997,’; and

23 “(2) in subclause (III) by striking ‘1994,’ and
24 inserting ‘1997,’.

1 **“SEC. 215. EXTENSION OF OFF-CAMPUS WORK AUTHORIZA-**
2 **TION FOR STUDENTS.**

3 “(a) IN GENERAL.—Section 221 of the Immigration
4 Act of 1990 (Pub. Law 101–649; 104 Stat. 4978) as
5 amended by section 303(b)(1) of the Miscellaneous and
6 Technical Immigration and Naturalization Amendments
7 of 1991 (Pub. Law 102–232; 105 Stat. 1747) is amend-
8 ed—

9 “(1) in the heading for subsection (a) by strik-
10 ing ‘3-YEAR’ and inserting ‘5-YEAR’;

11 “(2) in subsection (a) by striking ‘3-year’ and
12 inserting ‘5-year’; and

13 “(3) in subsection (b) by striking ‘1994,’ and
14 inserting ‘1996,’.

15 **“SEC. 216. ELIMINATING OBLIGATION OF CARRIERS TO DE-**
16 **TAIN STOWAWAYS.**

17 “The first sentence of section 273(d) of the Immigra-
18 tion and Nationality Act (8 U.S.C. 1323(d)) is amended
19 to read as follows: ‘The owner, charterer, agent, consignee,
20 commanding officer, or master of any vessel or aircraft
21 arriving at the United States from any place outside the
22 United States who fails to deport any alien stowaway on
23 the vessel or aircraft on which such stowaway arrived or
24 on another vessel or aircraft at the expense of the vessel
25 or aircraft on which such stowaway arrived when required
26 to do so by an immigration officer, shall pay to the Com-

1 missioner the sum of \$3,000 for each alien stowaway, in
2 respect of whom any such failure occurs.’.

3 **“SEC. 217. COMPLETING USE OF VISAS PROVIDED UNDER**
4 **DIVERSITY TRANSITION PROGRAM.**

5 “(a) EXTENSION OF DIVERSITY TRANSITION PRO-
6 GRAM.—Section 132 of the Immigration Act of 1990
7 (Public Law 101-649) is amended—

8 “(1) in subsection (a), by inserting before the
9 period at the end of the first sentence the following:
10 ‘and in fiscal year 1995 a number of immigrant
11 visas equal to the number of such visas provided
12 (but not made available) under this section in pre-
13 vious fiscal years’; and

14 “(2) in the next to last sentence of subsection
15 (c), by striking ‘or 1993’ and inserting ‘, 1993, or
16 1994’.

17 “(b) ADMINISTRATION OF 1995 DIVERSITY TRANSI-
18 TION PROGRAM.—

19 “(1) ELIGIBILITY.—For the purpose of carry-
20 ing out the extension of the diversity transition pro-
21 gram under the amendments made by subsection
22 (a), applications for natives of diversity transition
23 countries submitted for fiscal year 1995 for diversity
24 immigrants under section 203(c) of the Immigration
25 and Nationality Act shall be considered applications

1 for visas made available for fiscal year 1995 for the
2 diversity transition program under section 132 of
3 the Immigration Act of 1990. No application period
4 for the fiscal year 1995 diversity transition program
5 shall be established and no new applications may be
6 accepted for visas made available under such pro-
7 gram for fiscal year 1995. Applications for visas in
8 excess of the minimum available to natives of the
9 country specified in section 132(c) of the Immigra-
10 tion Act of 1990 shall be selected for qualified appli-
11 cants within the several regions defined in section
12 203(c)(1)(F) of the Immigration and Nationality
13 Act in proportion to the region's share of visas is-
14 sued in the diversity transition program during fiscal
15 years 1992 and 1993.

16 “(2) NOTIFICATION.—Not later than 180 days
17 after the date of enactment of this Act, notification
18 of the extension of the diversity transition program
19 for fiscal year 1995 and the provision of visa num-
20 bers shall be made to each eligible applicant under
21 paragraph (1).

22 “(3) REQUIREMENTS.—Notwithstanding any
23 other provision of law, for the purpose of carrying
24 out the extension of the diversity transition program
25 under the amendments made by subsection (a), the

1 requirement of section 132(b)(2) of the Immigration
2 Act of 1990 shall not apply to applicants under such
3 extension and the requirement of section 203(c)(2)
4 of the Immigration and Nationality Act shall apply
5 to such applicants.

6 **“SEC. 218. EFFECT ON PREFERENCE DATE OF APPLICATION**
7 **FOR LABOR CERTIFICATION.**

8 “Section 161(c)(1) of the Immigration Act of 1990
9 (Public Law 101-649) is amended—

10 “(1) by striking ‘or an application for labor cer-
11 tification before such date under section 212(a)(14)’;
12 and

13 “(2) in subparagraph (A)—

14 “(A) by striking ‘or application’; and

15 “(B) by striking ‘, or 60 days after the
16 date of certification in the case of labor certifi-
17 cations filed in support of the petition under
18 section 212(a)(14) of such Act before October
19 1, 1991, but not certified until after October 1,
20 1993’.

21 **“SEC. 219. OTHER MISCELLANEOUS AND TECHNICAL COR-**
22 **RECTIONS TO IMMIGRATION-RELATED PRO-**
23 **VISIONS.**

24 “(a) Section 101(a)(27)(J)(i) of the Immigration and
25 Nationality Act (8 U.S.C. 1101(a)(27)(J)(i)) is amended

1 by striking ‘and has’ and inserting ‘or whom such a court
2 has legally committed to, or placed under the custody of,
3 an agency or department of a State and who has’.

4 “(b)(1) The second sentence of section
5 201(b)(2)(A)(i) of the Immigration and Nationality Act
6 (8 U.S.C. 1151(b)(2)(A)(i)) is amended by inserting ‘(and
7 each child of the alien)’ after ‘the alien’.

8 “(2) The second sentence of section 204(a)(1)(A) of
9 such Act (8 U.S.C. 1154(a)(1)(A)) is amended—

10 “(A) by inserting ‘spouse’ after ‘alien’, and

11 “(B) by inserting ‘of the alien (and the alien’s
12 children)’ after ‘for classification’.

13 “(c) Section 203(b)(5) of the Immigration and Na-
14 tionality Act (8 U.S.C. 1153(b)(5)) is amended by striking
15 ‘TARGETTED’, ‘TARGETTED’, and ‘targetted’ each place
16 each appears and inserting ‘TARGETED’, ‘TARGETED’, and
17 ‘targeted’, respectively.

18 “(d) Section 210(d)(3) of the Immigration and Na-
19 tionality Act (8 U.S.C. 1160(d)(3)) is amended by insert-
20 ing ‘the’ before ‘Service’ the first place it appears.

21 “(e) Section 212(d)(11) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1182(d)(11)) is amended by strik-
23 ing ‘voluntary’ and inserting ‘voluntarily’.

24 “(f) Section 258 of the Immigration and Nationality
25 Act (8 U.S.C. 1288) is amended in subsection (d)(3)(B)

1 by striking ‘subparagraph (A)’ and inserting ‘subpara-
2 graph (A)(iii)’.

3 “(g) Section 241(c) of the Immigration and National-
4 ity Act (8 U.S.C. 1251(c)) is amended by striking ‘or
5 (3)(A) of subsection 241(a)’ and inserting ‘and (3)(A) of
6 subsection (a)’.

7 “(h) Section 242(h) of the Immigration and Nation-
8 ality Act (8 U.S.C. 1252(h)) is amended by striking ‘Pa-
9 role,,’ and inserting ‘Parole,’.

10 “(i) Section 242B(c)(1) of the Immigration and Na-
11 tionality Act (8 U.S.C. 1252b(c)(1)) is amended by strik-
12 ing the comma after ‘that’.

13 “(j) Section 244A(c)(2)(A)(iii)(III) of the Immigra-
14 tion and Nationality Act (8 U.S.C.
15 1254a(c)(2)(A)(iii)(III)) is amended—

16 “(1) by striking ‘Paragraphs’ and inserting
17 ‘paragraphs’, and

18 “(2) by striking ‘or (3)(E)’ and inserting ‘and
19 (3)(E)’.

20 “(k) Section 245(h)(2)(B) of the Immigration and
21 Nationality Act (8 U.S.C. 1255(h)(2)(B)) is amended by
22 striking ‘or (3)(E)’ and inserting ‘and (3)(E)’.

23 “(l)(1) Subparagraph (C) of section 245A(c)(7) of
24 the Immigration and Nationality Act (8 U.S.C.

1 1255a(c)(7)), as added by Public Law 102–140, is amend-
2 ed—

3 “(A) by indenting it 2 additional ems to the
4 right; and

5 “(B) by striking ‘subsection (B)’ and inserting
6 ‘subparagraph (B)’.

7 “(2) Section 610(b) of Public Law 102–140 is
8 amended by striking ‘404(b)(2)(ii)’ and ‘404(b)(2)(iii)’
9 and inserting ‘404(b)(2)(A)(ii)’ and ‘404(b)(2)(A)(iii)’ , re-
10 spectively.

11 “(m) Effective as of the date of the enactment of this
12 Act, section 246(a) of the Immigration and Nationality
13 Act (8 U.S.C. 1256(a)) is amended by striking the first
14 3 sentences.

15 “(n) Section 262(c) of the Immigration and National-
16 ity Act (8 U.S.C. 1302(c)) is amended by striking ‘sub-
17 section (a) and (b)’ and inserting ‘subsections (a) and (b)’.

18 “(o) Section 272(a) of the Immigration and National-
19 ity Act (8 U.S.C. 1322(a)) is amended by striking the
20 comma after ‘so afflicted’.

21 “(p) The first sentence of section 273(b) of the Immi-
22 gration and Nationality Act (8 U.S.C. 1323(b)) is amend-
23 ed by striking ‘collector of customs’ and inserting ‘Com-
24 missioner’.

1 “(q) Section 274B(g)(2)(C) of the Immigration and
2 Nationality Act (8 U.S.C. 1324b(g)(2)(C)) is amended by
3 striking ‘an administrative law judge’ and inserting ‘the
4 Special Counsel’.

5 “(r) Section 274C(b) of the Immigration and Nation-
6 ality Act (8 U.S.C. 1324c(b)) is amended by striking ‘title
7 V’ and all that follows through ‘3481)’ and inserting
8 ‘chapter 224 of title 18, United States Code’.

9 “(s) Section 280(b)(1)(C) of the Immigration and
10 Nationality Act (8 U.S.C. 1330(b)(1)(C)) is amended by
11 striking ‘maintainance’ and inserting ‘maintenance’.

12 “(t) Effective as if included in the enactment of Pub-
13 lic Law 102–395, subsection (r) of section 286 of the Im-
14 migration and Nationality Act (8 U.S.C. 1356), as added
15 by section 112 of such Public Law, is amended—

16 “(1) in the subsection heading, by striking
17 ‘Breached Bond/Detention Account’ and inserting
18 ‘BREACHED BOND/DETENTION FUND’;

19 “(2) in paragraph (1), by striking ‘(hereafter
20 referred to as the Fund)’ and inserting ‘(in this sub-
21 section referred to as the “Fund”)’;

22 “(3) in paragraph (2), by striking ‘the Immi-
23 gration and Nationality Act of 1952, as amended,’
24 and inserting ‘this Act’;

1 “(4) in paragraphs (4) and (6), by striking ‘the
2 Breached Bond/Detention’ each place it appears;

3 “(5) in paragraph (4), by striking ‘of this Act’
4 and inserting ‘of Public Law 102–395’; and

5 “(6) in paragraph (5), by striking ‘account’ and
6 inserting ‘Fund’.

7 “(u) Section 310(b)(5)(A) of the Immigration and
8 Nationality Act (8 U.S.C. 1421(b)(5)(A)) is amended by
9 striking ‘District Court’ and inserting ‘district court’.

10 “(v) Effective December 12, 1991, section 313(a)(2)
11 of the Immigration and Nationality Act (8 U.S.C.
12 1424(a)(2)) is amended by striking ‘and’ before ‘(F)’ and
13 inserting ‘or’.

14 “(w) Section 333(b)(1) of the Immigration and Na-
15 tionality Act (8 U.S.C. 1444(b)(1)) is amended by striking
16 ‘249(a)’ and inserting ‘249’.

17 “(x) Section 412(e)(7)(D) of the Immigration and
18 Nationality Act (8 U.S.C. 1522(e)(7)(D)) is amended by
19 striking ‘paragraph (1) or (2) of’.

20 “(y) Section 302(c) of the Immigration Act of 1990
21 is amended by striking ‘effect’ and inserting ‘affect’.

22 “(z) Effective as if included in the Miscellaneous and
23 Technical Immigration and Naturalization Amendments
24 of 1991—

1 “(1) section 303(a)(7)(B)(i) of such Act is
2 amended by striking ‘paragraph (1)(A)’ and insert-
3 ing ‘paragraph (1)(A)(i)’;

4 “(2) section 304(b)(2) of such Act is amended
5 by striking ‘paragraph (1)(B)’ and inserting ‘sub-
6 section (c)(1)(B)’;

7 “(3) paragraph (1) of section 305(j) of such
8 Act is repealed (and section 407(d)(16)(C) of the
9 Immigration Act of 1990 shall read as if such para-
10 graph had not been enacted);

11 “(4) paragraph (2) of section 306(b) of such
12 Act is amended to read as follows:

13 ““(2) Section 538(a) of the Immigration Act of 1990
14 is amended by striking the comma after “Service”.”;

15 “(5) section 307(a)(6) of such Act is amended
16 by striking ‘immigrants’ the first place it appears
17 and inserting ‘immigrant aliens’;

18 “(6) section 309(a)(3) of such Act is amended
19 by striking ‘paragraph (1) and (2)’ and inserting
20 ‘paragraphs (1)(A) and (1)(B)’;

21 “(7) section 309(b)(6)(F) of such Act is amend-
22 ed by striking ‘210(a)(1)(B)(1)(B)’ and inserting
23 ‘210(a)(B)(1)(B)’;

24 “(8) section 309(b)(8) of such Act is amended
25 by striking ‘274A(g)’ and inserting ‘274A(h)’; and

1 “(9) section 310 of such Act is amended—

2 “(A) by adding ‘and’ at the end of para-
3 graph (1);

4 “(B) by striking paragraph (2); and

5 “(C) by redesignating paragraph (3) as
6 paragraph (2) and by striking ‘309(c)’ and in-
7 serting ‘309(b)’.

8 “(aa) Effective as if included in section 4 of Public
9 Law 102–110, section 161(c)(3) of the Immigration Act
10 of 1990 is amended—

11 “(1) by striking ‘alien described in section
12 203(a)(3) or 203(a)(6) of such Act’ and inserting
13 ‘alien admitted for permanent residence as a pref-
14 erence immigrant under section 203(a)(3) or
15 203(a)(6) of such Act (as in effect before such
16 date)’; and

17 “(2) by striking ‘this section’ and inserting ‘this
18 title’.

19 “(bb) Section 599E(c) of the Foreign Operations, Ex-
20 port Financing, and Related Programs Appropriations
21 Act, 1990 (Public Law 101–167) is amended by striking
22 ‘and subparagraphs’ and inserting ‘or subparagraph’.

23 “(cc) Section 204(a)(1)(C) of the Immigration Re-
24 form and Control Act of 1986 is amended by striking ‘year

1 1993” the first place it appears and inserting ‘years
2 1993’.

3 “(dd) Except as otherwise specifically provided in this
4 section, the amendments made by this section shall be ef-
5 fective as if included in the enactment of the Immigration
6 Act of 1990.

7 “(ee)(1) Section 210A of the Immigration and Na-
8 tionality Act (8 U.S.C. 1161) is repealed.

9 “(2) The table of contents of the Immigration and
10 Nationality Act is amended by striking the item relating
11 to section 210A.

12 “(ff) Section 122 of the Immigration Act of 1990 is
13 amended by striking subsection (a).

14 “(gg) The Copyright Royalty Tribunal Reform Act
15 of 1993 (Public Law 103–198; 107 Stat. 2304) is amend-
16 ed by striking section 8.”.



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